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DEFENSE INFORMATION SYSTEMS AGENCY

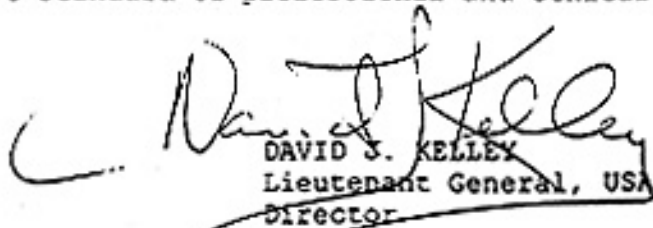
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Regulatory/General Counsel (R/GC)

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Improper Disclosure of Non-Public Information and
Unauthorized Commitments

1. My 26 February 1996 memorandum alerted you to the dangers to the Agency and the consequences to you as the result of improper disclosures of information and unauthorized commitments. I recently became aware of instances concerning professional conduct that requires me to reiterate my position. I will not tolerate the release of source selection or other non-public information, improper personal contacts with contractor personnel, or other personal conduct that may result in a contractor undertaking unauthorized work and filing a claim against the Agency. There are severe penalties associated with infractions of this nature.
2. Improper release of certain information, such as release of source selection information before award, may result in a company having an unfair competitive advantage over others. Prosecution of such an infraction may result in an individual being imprisoned for up to 5 years, fined criminally, and fined civilly up to \$50,000 (contractors who knowingly receive such information may be fined up to \$500,000). Release of other non-public information may also be considered a misuse of public office for private gain. Employees who engage in such conduct may be disciplined for violating ethical standards against the misuse of their Government position. Similarly, improper communications or contacts with a contractor may result in a contractor claim against the Government for work which was not properly authorized and funded, and for which the Agency employee may be held personally liable.
3. As Government employees, we must be impartial in the conduct of our official business. Private industry must have faith in our integrity and impartial judgment. Improper disclosure may skew carefully planned (and approved) program schedules and spend plans. Improper disclosure of information and improper communications further create an air of bias which undermine our ability to effectively pursue DISA's mission. As such, I will pursue the appropriate course of action for infractions of the rules that govern our professional conduct and relationships with our contractors. I expect each of you to adhere to the highest standard of professional and ethical conduct.


DAVID S. KELLEY
Lieutenant General, USA
Director

Quality Information for a Strong Defense